

*Status: Point in time view as at 19/11/1991. This version of this cross heading contains provisions that are not valid for this point in time.*

*Changes to legislation: Children Act 1989, Cross Heading: Supplementary is up to date with all changes known to be in force on or before 11 September 2024. There are changes that may be brought into force at a future date. Changes that have been made appear in the content and are referenced with annotations. (See end of Document for details)*



# Children Act 1989

## 1989 CHAPTER 41

### [<sup>F1</sup>PART XA

#### CHILD MINDING AND DAY CARE FOR CHILDREN IN ENGLAND AND WALES]

VALID FROM 16/03/2001

#### *Supplementary*

VALID FROM 02/07/2001

#### <sup>F1</sup>79U Rights of entry etc.

- (1) An authorised inspector may at any reasonable time enter any premises in England or Wales on which child minding or day care is at any time provided.
- (2) Where an authorised inspector has reasonable cause to believe that a child is being looked after on any premises in contravention of this Part, he may enter those premises at any reasonable time.
- (3) An inspector entering premises under this section may—
  - (a) inspect the premises;
  - (b) inspect, and take copies of—
    - (i) any records kept by the person providing the child minding or day care; and
    - (ii) any other documents containing information relating to its provision;
  - (c) seize and remove any document or other material or thing found there which he has reasonable grounds to believe may be evidence of a failure to comply with any condition or requirement imposed by or under this Part;

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- (d) require any person to afford him such facilities and assistance with respect to matters within the person's control as are necessary to enable him to exercise his powers under this section;
  - (e) take measurements and photographs or make recordings;
  - (f) inspect any children being looked after there, and the arrangements made for their welfare;
  - (g) interview in private the person providing the child minding or day care; and
  - (h) interview in private any person looking after children, or living or working, there who consents to be interviewed.
- (4) Section 42 of the <sup>M1</sup>School Inspections Act 1996 (inspection of computer records for purposes of Part I of that Act) shall apply for the purposes of subsection (3) as it applies for the purposes of Part I of that Act.
- (5) The registration authority may, in any case where it appears to the authority appropriate to do so, authorise a person who is not an authorised inspector to exercise any of the powers conferred by this section.
- (6) A person exercising any power conferred by this section shall, if so required, produce some duly authenticated document showing his authority to do so.
- (7) It shall be an offence wilfully to obstruct a person exercising any such power.
- (8) Any person guilty of an offence under subsection (7) shall be liable on summary conviction to a fine not exceeding level 4 on the standard scale.
- (9) In this section—
- “authorised inspector” means a registered inspector or a person authorised by the Assembly or by any person with whom the Assembly has made arrangements under section 79T(3);
  - “documents” and “records” each include information recorded in any form.

#### Textual Amendments

- F1** S. 79U inserted (2.7.2001 (E.) and 1.4.2002 (W.)) by 2000 c. 14, s. 79(1); S.I. 2001/2041, art. 2(1)(a) (with transitional provisions and savings in Sch.); S.I. 2002/920, art. 3(3)(b) (subject to transitional provisions in Schs. 1-3)

#### Marginal Citations

- M1** 1996 c. 57.

#### <sup>F2</sup>79V Function of local authorities.

Each local authority shall, in accordance with regulations, secure the provision—

- (a) of information and advice about child minding and day care; and
- (b) of training for persons who provide or assist in providing child minding or day care.

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### Textual Amendments

- F2** S. 79V inserted ((E.) 16.3.2001 for certain purposes otherwise 2.7.2001 and (W.) 1.7.2001 for certain purposes otherwise 1.4.2002) by 2000 c. 14, s. 79(1); S.I. 2001/1210, art. 2(a)(xi) S.I. 2001/2041, art. 2(1)(a) (with transitional provisions and savings in Sch.); S.I. 2001/2190, art. 2, Sch.; S.I. 2002/920, art. 3(3)(b) (subject to transitional provisions in Schs. 1-3)

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